

REMARKS

Claims 28-48 are pending. The Office Action dated May 14, 2007 in this Application has been carefully considered. Claim 44 has been amended in this Response. The above amendment and the following remarks are presented in a sincere attempt to place this Application in condition for allowance. Reconsideration and allowance are respectfully requested in light of the above amendment and following remarks.

Claims 28, 30-42 and 44-47 stand provisionally rejected for nonstatutory obviousness-type double patenting over U.S. Patent Application No. 10/809,581 to Gschwind et al. (“the ’581 Application”). Applicants have filed a terminal disclaimer in conjunction with this Response. Therefore, Applicants submit that the double-patenting rejections over the ’581 Application are overcome. Accordingly, Applicants respectfully request that the provisional double patenting rejections be withdrawn.

Claims 44-48 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges that the term “tangible” in independent Claim 44 is unclear, and suggests removing the word “tangible” from the Claim limitations.

Claim 44 has been amended in accordance with the Examiner’s suggestion. No new matter has been added by this amendment, and this amendment is not made in response to any cited art. Claims 45-48 depend from Claim 44. Therefore, in light of this amendment, Applicants respectfully submit that the 35 U.S.C. § 112, second paragraph, rejections have been overcome. Accordingly, Applicants respectfully request that the 35 U.S.C. § 112, second paragraph, rejections be withdrawn.

Applicants have now made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 28-48.

Applicants do not believe that any fees are due; however, in the event that any fees are due, the Commissioner is hereby authorized to charge any required fees due (other than issue fees), and to credit any overpayment made, in connection with the filing of this paper to Deposit Account No. 09-0447 of IBM Corporation.

Should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

CARR LLP

Dated: August 14, 2007
CARR LLP
670 Founders Square
900 Jackson Street
Dallas, Texas 75202
Telephone: (214) 760-3030
Fax: (214) 760-3003

/Gregory W. Carr/
Gregory W. Carr
Reg. No. 31,093